



THE UNIVERSITY OF NORTH CAROLINA SYSTEM

EEO GUIDELINES FOR INTERVIEWING

Category ¹	Acceptable ²	Unacceptable
Age-based (<i>ADEA</i>)	<ul style="list-style-type: none"> If age is a legal requirement for the position, an applicant can be asked “If hired, can you furnish proof of age?” 	<ul style="list-style-type: none"> How old are you? What is your date of birth?
Religious Inquiries (<i>Title VII</i>)	<ul style="list-style-type: none"> Only if there is a bona fide occupational qualification. 	<ul style="list-style-type: none"> What religion are you? Do you observe any religious holidays?
National Origin (<i>Title VII, IRCA</i>)	<ul style="list-style-type: none"> Are you fluent in Spanish? What languages do you speak and write fluently? (only if the job requires additional languages) Are you authorized to work in the United States? 	<ul style="list-style-type: none"> Are you a native Spanish speaker? How did you learn to read, write or speak a foreign language? What country is your family from? How long have you been in the United States? Are you a US citizen?
Race/Color Inquiries (<i>Title VII</i>)	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Any question related to complexion or color of skin. What is your race? Do you belong to a minority group? What is the race or nationality of your spouse?
Sex Discrimination - includes sexual orientation and gender identity (<i>Title VII, PDA, EO 11246</i>)	<ul style="list-style-type: none"> None before hiring. After hiring, such questions if relevant for insurance and tax purposes can be asked by HR or Payroll personnel. 	<ul style="list-style-type: none"> What do you think about working in an all-male department? What are your child care arrangements? How many children do you have? Are you known as Mr., Ms., Miss, or Mrs.? Are you married, engaged, or do you have a partner?
Disability-based Inquiries (<i>ADA</i>)	<ul style="list-style-type: none"> None about the applicant’s record of disability or treatment at the pre-offer stage. Are you able to perform the essential functions of the job, with or without accommodations? Can you meet the requirements of the unit’s work hours, overtime work, and attendance policies? 	<ul style="list-style-type: none"> Do you have a disability? What is the nature or severity of your disability? How many days were you sick during your last job? Will you need time off for medical treatments or for other reasons associated with your disability? Have you ever filed a worker’s compensation claim or suffered a disabling injury in a previous job?

¹ See References at end of this document for links to these EEO and other regulations and policies.

² Only ask questions that are directly related to the duties and responsibilities of the position.

Caregivers (<i>ADA, EPA, PDA, Title VII, FMLA, ERISA</i>)	<ul style="list-style-type: none"> Travel is an important part of the job. Do you have any restrictions on your ability to travel? 	<ul style="list-style-type: none"> What are your child care arrangements?
Genetic Information (<i>GINA</i>)	<ul style="list-style-type: none"> None. 	<ul style="list-style-type: none"> Any question related to being genetically tested for a predisposition to an illness or diseases. What is your family medical history? Are there any diseases in your family's medical history that might require you to miss work?
Military/Veteran Record (<i>USERRA, ADA</i>)	<ul style="list-style-type: none"> What type of education, training and work experience relevant to the job did you receive while in the military? 	<ul style="list-style-type: none"> What type of discharge did you receive? Have you ever been diagnosed with PTSD?
Job Commitment/ Work Schedule (<i>Title VII – Racial, Sex, Religion; PDA, ADA, FMLA, ERISA</i>)	<ul style="list-style-type: none"> This job requires someone who can work 8-5, Monday through Friday. Are you available to work these hours and days? 	<ul style="list-style-type: none"> Are you available to work on weekends (<i>not appropriate unless indicated on posting as a business necessity</i>)? Does your religion or family situation restrict you from working on weekends? Are you pregnant? When are you expecting? Do you own a car? (<i>unless owning a car is required for the job</i>)
Education (<i>ADEA; Title VII – Sex, Race, National Origin, Religion</i>)	<ul style="list-style-type: none"> Education, degrees, university attended, licenses/certificates related to the job position 	<ul style="list-style-type: none"> When did you graduate from high school? College? General questions about education unless necessary to perform the work
Affiliation/Organization Membership (<i>Title VII – Racial, Sex, Religion, National Origin</i>)	<ul style="list-style-type: none"> Job-related skills associated with role in professional organization listed on resume: Tell me about your leadership experience in a professional organization. 	<ul style="list-style-type: none"> What clubs or organizations do you belong to? "...[I]nquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided" https://www.eeoc.gov/laws/practices/ Do you belong to an organization that restricts or prohibits you from working on particular days, or limits or restricts compliance with departmental standards of appearance and/or grooming? (<i>Information can be misused as a</i>

		<p><i>basis for discrimination on the bases of religion, national origin and, potentially, race).</i></p> <p>https://www.gpo.gov/fdsys/pkg/FR-2003-12-16/html/03-30925.htm</p>
Physical Characteristics (Title VII – Race, Sex, National Origin)	<ul style="list-style-type: none"> • Only if there is a bona fide occupational qualification. • This job requires the ability to lift a specific weight. Are you able to lift a 50-pound weight and carry it 100 yards? 	<ul style="list-style-type: none"> • To ask questions about height, weight, impairment, or other physical data not related to the job.
Background Check (Title VII – Race, Sex, National Origin)* *Background checks are initiated in Human Resources.	<ul style="list-style-type: none"> • What professional organizations or trade groups do you belong to relevant to your ability to perform this job? 	<ul style="list-style-type: none"> • Do you own your own home? • Have you ever declared bankruptcy? • What clubs, societies and lodges do you belong to? • If related to job duties, background check information about convictions can be used: Have you ever been convicted of embezzlement? (<i>Best practice – let HR confirm during background check process on finalists</i>)
Alcohol or Drug Use (ADA)	<ul style="list-style-type: none"> • Have you ever used illegal drugs? • When is the last time you used illegal drugs? • Asking questions about whether an applicant drinks alcohol does not reveal whether someone has alcoholism but may lead to prohibited information. 	<ul style="list-style-type: none"> • Questions asking how much alcohol an applicant drinks may lead to prohibited information about a disability, such as alcoholism. • How much do you drink socially? • How often did you use illegal drugs in the past? • Have you ever been addicted to drugs?

Resources

Age (Age Discrimination in Employment Act of 1967 (ADEA))

<https://www.eeoc.gov/laws/types/age.cfm>)

Religion (Title VII)

- Title VII Religious Discrimination <https://www.eeoc.gov/laws/types/religion.cfm>; <https://www.eeoc.gov/policy/docs/religion.html>
- Title VII Religious Inquiries https://www.eeoc.gov/laws/practices/inquiries_religious.cfm; https://www.eeoc.gov/laws/types/fs-relig_ethnic.cfm

National Origin (Title VII; Immigration Reform and Control Act of 1986 [IRCA])

- Title VII National Origin <https://www.eeoc.gov/laws/types/nationalorigin.cfm>
- Immigration Reform and Control Act of 1986 (IRCA) <https://www.justice.gov/sites/default/files/eoir/legacy/2009/03/04/IRCA.pdf>

Race/Color (Title VII)

- Race/Color Discrimination https://www.eeoc.gov/laws/types/race_color.cfm

- Title VII Pre-employment Inquiries - https://www.eeoc.gov/eeoc/foia/letters/2007/titlevii_preemployment_inquiries.html

Sex (Title VII, PDA, EO 11246)

- Title VII Sex Discrimination - <https://www.eeoc.gov/laws/types/sex.cfm>
- Title VII Marital Status Inquiries https://www.eeoc.gov/laws/practices/inquiries_marital_status.cfm
- Pregnancy Discrimination Act (PDA) of 1978 <https://www.eeoc.gov/laws/types/pregnancy.cfm>;
<https://www.eeoc.gov/laws/statutes/pregnancy.cfm>
- Executive Order 11246: Discrimination on basis of Race, Color, Religion, sex, sexual orientation, gender identity, or national origin: <https://www.dol.gov/ofccp/regs/statutes/eo11246.htm>

Americans with Disabilities Act (ADA) https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm

Genetic Information Nondiscrimination Act of 2008 (GINA) <https://www.eeoc.gov/laws/types/genetic.cfm>

Veteran Status/Military Status (USERRA, ADA)

- Uniformed Services Employment and Reemployment Rights Act (USERRA), Title I of ADA https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm
- Pre-employment Disability-Related Questions (ADA) - <https://www.eeoc.gov/policy/docs/preemp.html>

Family Medical Leave Act (FMLA)

- FMLA Fact Sheet <https://www.dol.gov/whd/regs/compliance/whdfs28.htm>
- FMLA <https://www.dol.gov/general/topic/benefits-leave/fmla>

Employee Retirement Income Security Act of 1975 (ERISA) <https://www.dol.gov/general/topic/health-plans/erisa>

Caregiver (ADA, PDA, EPA, Title VII, FMLA, ERISA)

- Caregiver Best Practices <https://www.eeoc.gov/policy/docs/caregiver-best-practices.html>
- Pre-employment disability-related questions <https://www.eeoc.gov/policy/docs/preemp.html>
- Americans with Disabilities Act (ADA) https://www.eeoc.gov/eeoc/publications/ada_veterans.cfm
- Pregnancy Discrimination Act (PDA) of 1978 <https://www.eeoc.gov/laws/types/pregnancy.cfm>;
<https://www.eeoc.gov/laws/statutes/pregnancy.cfm>
- The Equal Pay Act of 1963 (EPA) <https://www.eeoc.gov/laws/statutes/epa.cfm>;
<https://www.eeoc.gov/eeoc/publications/fs-epa.cfm>
- Title VII of the Civil Rights Act of 1964 <https://www.eeoc.gov/laws/statutes/titlevii.cfm>
- Title VII (Sex) - <https://www.eeoc.gov/laws/types/sex.cfm>

Financial Information (Title VII; US Federal Trade Commission's Fair Credit Reporting Act (FCRA))

- Pre-Employment Inquiries and Financial Information https://www.eeoc.gov/laws/practices/financial_information.cfm
- Fair Credit Reporting Act (FCRA) <https://www.consumer.ftc.gov/articles/0157-background-checks>

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